

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Christina Mertens, et al.
Serial No: TBA
Filed: April 26, 2006
Int'l Filing Date: November 3, 2004
§371 Filing Date: TBA
For: Ectoparasiticial formulations of spinosyns and azole pesticides
Confirmation No: TBA
Group Art Unit: TBA
Examiner: TBA
Attorney Ref: I-2003.019 US
Priority: National Phase of Int'l Application No. PCT/EP2004/052762

April 26, 2006

INFORMATION DISCLOSURE STATEMENT

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Madam/Sir:

To comply with 37 CFR §§1.97 and 1.98, Applicants submit the enclosed Forms PTO/SB/08A and PTO/SB/08B, and copies of the cited references, to the extent required.

In accordance with MPEP §609 and §707.05(b), Applicants request that the cited references be given thorough consideration, and that the Examiner cite the references in the prosecution history by initialing the Forms next to the citations. Applicants request such initialing even if the Examiner does not consider: (1) a cited reference to be sufficiently pertinent to use in a rejection, or (2) the guidelines for a citation to have been fully satisfied. Applicants make this request so that the cited references become cited on the face of a patent issuing from the above-referenced application.

Applicants submit this Information Disclosure Statement in compliance with the duty to disclose information material to patentability under 37 CFR §1.56, but, by listing the references, Applicants are not admitting that the references are necessarily relevant or prior art. Applicants intend no representation that the references represent the results of a complete search. Applicants anticipate that the Examiner, in the normal course of examination, will make an independent search consistent with 37 CFR §1.104. Applicants also anticipate that, in the course

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of such search, the Examiner will review for relevance the cited references, even if not initialed.

Applicants presume that the Examiner is aware of the scope of the disclosures, as well as any issues raised, searches conducted, and examination results in the parent international patent application (*i.e.*, International Patent Application No. PCT/EP2004/052762), as well as the grandparent patent application (*i.e.*, European Patent Application No. 03078569.5). Applicants also presume that the Examiner will take those scopes, issues, searches, and examination results into account when examining the instant application. If the Examiner needs additional information regarding either application, Applicants request that the Examiner notify the Undersigned.

Pursuant to 37 C.F.R. §1.98(a)(2), Applicants have not enclosed a copy of any cited published U.S. patent reference. Applicants, however, are happy to provide copies of any such reference upon request from the Examiner.

Finally, Applicants have disclosed International Publication No. WO 2005/046656 in the attached Form PTO/SB/08A. Applicants wish to put the Examiner on notice that a U.S. national stage application is being filed off that application in parallel with the filing of this patent application.

* * * * *

Applicants do not believe that they owe any fee is due in connection with this Information Disclosure Statement. If, however, Applicants do owe any such fee(s), the Commissioner is hereby authorized to charge the fee(s) to Deposit Account No. **02-2334**. In addition, if there is ever any other fee deficiency or overpayment under 37 C.F.R. §1.16 or 1.17 in connection with this patent application, the Commissioner is hereby authorized to charge such deficiency or overpayment to Deposit Account No. **02-2334**.

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10/577232
AP12 Rec'd PCT/PTO 26 APR 2006

Applicants submit that the pending claims are in condition for allowance, and request that this application be allowed. The Examiner is requested to call the Undersigned if any issues arise that can be addressed over the phone to expedite examination of this application.

Respectfully submitted,



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CERTIFICATE OF MAILING UNDER 37 CFR §1.8

I certify that this correspondence is being deposited with the U.S. Postal Service on April 26, 2006 with sufficient postage as first class mail to Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.



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Substitute for form 1449/PTO

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| Sheet | 1 | of | 2 |
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|------------------------|-------------------|
| Application Number | TBA |
| Filing Date | April 26, 2006 |
| First Named Inventor | Christina MERTENS |
| Art Unit | TBA |
| Examiner Name | TBA |
| Attorney Docket Number | I-2003.019 US |

U. S. PATENT DOCUMENTS

[illegible]

FOREIGN PATENT DOCUMENTS

| Examiner Initials* | Cite No. | Foreign Patent Document | Publication Date | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear | † |
|--------------------|----------|--|------------------|---|---|---|
| | | Country Code* Number* *Kind Code* (if known) | MM-DD-YYYY | | | |
| /E.P. | 3 | WO 94 20518 | 09-15-1994 | DowElanco | | |
| /E.P. | 4 | WO 01 11963 | 02-22-2001 | Eli Lilly & Co. | | |
| /E.P. | 5 | WO 2005/046658 | 05-26-2005 | Akzo Nobel N.V. | | |
| /E.P. | 6 | EPO 0 412 849 | 02-13-1991 | AgrEvo UK Ltd. | | |
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Examiner
Signature

/Eli Peselev/

Date
Considered

08/21/2008

*EXAMINER: Include if reference considered, whether or not citation is in conformance with MPEP 909. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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| Application Number | TBA |
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| First Named Inventor | Christina MERTENS |
| Art Unit | TBA |
| Examiner Name | TBA |
| Attorney Docket Number | I-2003.019 US |

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NON PATENT LITERATURE DOCUMENTS

| Examiner Initials* | Cite No. ¹ | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | T ² |
|-----------------------|--------------------------|---|----------------|
| | 7 | BRET, B.L., et al., "Biological properties of spinosad." Down to Earth, 52 (1), pp. 6-13 (1997). | |
| | 8 | 2244 Research disclosure, "Extended Efficacy Spectrum of Azole Pesticides," No. 380, p. 802, (Emsworth, GB, December 1995). | |
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